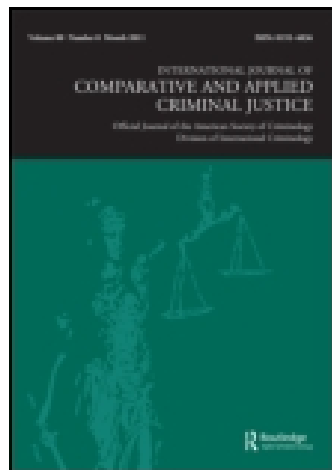




International Journal of Comparative and Applied Criminal Justice

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/rcac20>

Exporting and importing criminality: Incarceration of the Foreign Born

Graeme Newman^a, Joshua D. Freilich^b & Gregory J. Howard^c

^a School of Criminal Justice, Draper Hall, State University of New York, 135 Western Avenue, Albany, NY, 12222 Phone: 518-442-5223 E-mail:

^b Department of Sociology, John Jay College of Criminal Justice, 899 10th Avenue, Room 520T, New York, NY, 10019 Phone: 212-237-8668 E-mail:

^c Department of Sociology, Sangren Hall, Western Michigan University, Kalamazoo, MI, 49008 Phone: 616-387-3595 E-mail:

Published online: 01 Jun 2011.

To cite this article: Graeme Newman, Joshua D. Freilich & Gregory J. Howard (2002) Exporting and importing criminality: Incarceration of the Foreign Born, International Journal of Comparative and Applied Criminal Justice, 26:2, 143-163, DOI: [10.1080/01924036.2002.9678686](https://doi.org/10.1080/01924036.2002.9678686)

To link to this article: <http://dx.doi.org/10.1080/01924036.2002.9678686>

PLEASE SCROLL DOWN FOR ARTICLE

Taylor & Francis makes every effort to ensure the accuracy of all the information (the "Content") contained in the publications on our platform. However, Taylor & Francis, our agents, and our licensors make no representations or warranties whatsoever as to the accuracy, completeness, or suitability for any purpose of the Content. Any opinions and views expressed in this publication are the opinions and views of the authors, and are not the views of or endorsed by Taylor & Francis. The accuracy of the Content should not be relied upon and should be independently verified with primary sources of information. Taylor and Francis shall not be liable for any losses, actions, claims, proceedings, demands, costs, expenses, damages, and other liabilities whatsoever or howsoever caused arising directly or indirectly in connection with, in relation to or arising out of the use of the Content.

This article may be used for research, teaching, and private study purposes. Any substantial or systematic reproduction, redistribution, reselling, loan, sub-licensing, systematic supply, or distribution in any form to anyone is expressly forbidden. Terms & Conditions of access and use can be found at <http://www.tandfonline.com/page/terms-and-conditions>

Exporting and Importing Criminality: Incarceration of the Foreign Born

GRAEME NEWMAN¹
State University of New York at Albany

JOSHUA D. FREILICH²
John Jay College of Criminal Justice

GREGORY J. HOWARD³
Western Michigan University

Since previous studies have found that crime rates vary by immigrant group there is a need to dis-aggregate immigrants by country of birth in order to obtain a more accurate representation of the relationship between migrants and crime. This study examines data from six countries (Australia, Canada, France, Italy, the Netherlands, and the U.S.A.) on the country of birth of their inmate populations. The following observations are reasonable conclusions from the data available. First, the percentages of each home country's inmate population that is foreign-born varies remarkably. Second, in general foreign-born inmates tend to come from regions outside the region within which the host country was located, though in most cases from regions that were proximate. Third, given the small number of countries reporting, it is intriguing that just a small number of countries and regions can account for such a high proportion of a home country's inmate population if one includes the numbers of a country's citizens who are housed in foreign prisons as part of that original country's inmate population. The paper concludes with a discussion of a number of policy implications that flow from these findings.

Introduction

While some people perceive migrants in a benign or positive light, others are more hostile in their views. In some cases, foreigners have been regarded as less fortunate souls who fled terrible conditions (e.g., discrimination, oppression, warfare, or poverty) in their country of birth in an attempt to make a better life for themselves elsewhere. Similarly, foreigners have also been conceived as productive individuals who, by providing needed services, contribute to the economic well-being of the destination country. Many native-born citizens, however, view immigrants much more critically. Migrants are often looked upon as unwelcome additions to the destination country who weaken society by both taking unfair advantage of generous welfare programs and committing large numbers of crimes. It should not come as a surprise, therefore, that for generations criminologists have focused on the relationship between migration and crime.

The issue of immigration and crime is not only multifaceted and complex, but it also encompasses a wide range of subissues. For the most part, criminologists have examined whether immigrants commit more crime than the native-born population, studied the crime rates of second and third generation immigrants, sought to explain why some immigrants turn toward the path of crime, analyzed victimization rates of immigrants, and suggested policies to lower the crime and victimization rates of immigrants (see for example, Freilich, Newman, Shoham, and Addad 2002; Tonry 1997). For example, although the public in many locations views immigrants as crime prone, research findings have usually indicated that first generation immigrants have a lower crime rate than the native-born population. The literature also suggests, though, that the crime rate increases among second generation immigrants (see for example, Killian 2002; Lynch and Simon 2002; Sun and Reed 1995; Yeager 1996). Sun and Reed (1995), like many other scholars, have hypothesized that cultural and structural factors may account for this phenomenon. In general, even though many immigrants live in poverty they are, nevertheless, grateful for the refuge granted to them by the host country. Their children, conversely, who also grow up amidst deprived surroundings do not embrace “the ideology of resignation and contentment that kept their forebears satisfied” (245). Instead these individuals “seek the same chances and yearn for the same living standards as their hosts” (245) and when they find their opportunities blocked they may very well turn to crime as a solution. Likewise, third generation immigrants have also been found to have higher rates of criminality than their ancestors (see Yeager 1996).

What has been discussed less is the exchange of criminals between and among nations. Do not countries exchange consumer goods, military weapons, and all sorts of luxuries? All countries, in short, both import and export various items. We propose to examine the migrant crime connection on the international level in terms of specific nations importing and exporting criminals. The literature, after all, has also found that crime rates vary by immigrant group. Killian (2002) summarizes the research by stating, “Thus, the findings on immigration and crime point to two consistent factors: children of immigrants commit more crime than their parents and different immigrant groups engage in crime at different rates” (122-23; see also Sheu 2002; Sun and Reed 1995; Yeager 1996). This latter conclusion clearly indicates the need to disaggregate immigrants by country of origin in order to obtain a more accurate representation of the relationship between migrants and crime. In other words, it is too simplistic to discuss immigrants and crime; instead we need to specify the immigrant groups to which we refer.

In the pages that follow, we analyze the immigrant and crime relationship under the rubric of an import export model, with particular reference to one aspect of crime control: incarceration. We begin by describing the precise focus of our study and our data and methods. After setting forth our results we conclude by offering some tentative conclusions as well as discussing a number of policy implications.

Focus of the Current Study

It is remarkable, given the widespread interest and concern about immigrant populations and their relationship to crime and criminal justice issues, that so few countries collect or make available data concerning such groups. The current study has managed to obtain data on the country of birth of the inmate populations of just six countries: Australia, Canada (federal prison system only), France, Italy, Netherlands, and the USA (federal plus 15 states⁴), and even these are incomplete. We recognize that country of birth may not be considered by some to be a completely satisfactory indicator of “foreign” status, since it does not take into account how long the individual has resided in the host country. It is possible that some immigrants residing in the host country, at times almost from birth, may very well have become naturalized citizens. Some may question whether these naturalized citizens should be included in an “immigrant” category. Nevertheless, an examination of foreign-born individuals has advantages over other indicators such as “citizenship” which, unless supported by documentation, may not be reliable when it depends on individual self-categorization. Furthermore, and more significantly, in most cases it is simply not feasible to utilize a measure of citizenship since such data are usually not collected.

Previous studies have also used country of birth as a measure of immigrant groups or “foreigners.” Lynch and Simon (2002) recently argued that this distinction is a valid one. As they point out, this indicator identifies groups that are part of the “out” group of a society. Individuals who are naturalized citizens are usually differentiated from native citizens by language, accent and culture. An immigrant’s country of birth very often remains a signifier of exclusion regardless of whether or not the individual becomes a citizen. We therefore view the category of country of birth as a reasonable identifier of foreign status that most likely underestimates the number of foreigners in the prisons of the six countries studied.

We have used incarceration as the indicator of criminal involvement for a number of reasons. The first obvious reason is that it is the indicator for which more countries appear to collect foreign-born status information. Second, we consider the presence of persons housed in prison populations to be an important indicator not only of their possible involvement in criminality, but also of the official activities of the criminal justice system that processes offenders, and places them in prison. It is the indicator of the most serious cases, both from the point of view of the criminality of the offender, and the sanctions of the criminal justice system. Finally, the difficulties of comparing official criminal justice data across nations are well known (Newman 1999; Newman and Howard 1999). We consider ourselves on safer ground using incarceration statistics, since they are measures of actual persons located in specific places, and are therefore easily countable. Their offender status is comparatively clear: they are either prisoners or they are not. The only shortcoming of prison population data is that they do not give an accurate measure of the movement

of individuals in and out of the prison system; this is a feature of prisons that is usually measured by counting the number of admissions, rather than the static population. However, admissions data are particularly difficult to obtain, and in fact are virtually nonexistent in many countries (as reported by the series of UN Surveys of Crime Trends and Criminal Justice Systems 1998; 2000). In sum, while prison populations do not tell the whole story, they reveal much about how many persons are locked up in any particular country at roughly one point in time. Of course, it is important to recognize that by using incarceration data we are studying a special class of offenders, and not examining the whole range of possible criminality. Again, we point out that any error involved in such measurement is likely to be an underestimate of the criminal involvement of foreigners.

The six countries selected for study are those that had data available. Moreover, these six nations have long histories of importing foreigners into their respective countries, for various reasons. They are also conveniently located in the major large geographic regions of the world. This is an important feature since it is the movement of populations from one geographic location to another that is the essential definer of migration. In addition, they have differing policies concerning their legal treatment of immigrants, with some making it less difficult for foreigners to be lawfully admitted into the country, while others have more restrictive entry policies. Lynch and Simon (2002) point out, for example, that “the [admission] policies followed in Australia, Canada and the United States are much more inviting. They allow relatively large numbers of persons in, do not impose excessive screening on those persons... The policies in these nations allow for a variety of reasons for admission including family reunification, economic needs of the nation, and refugee status” (73). The admission policies of France, though, are more restrictive. Lynch and Simon again note that “while France has fairly high rates of admission, it is almost entirely based on family reunification which can be seen as a way of screening and limiting new entries. Without a substantial number of new admissions, the volume of persons that can be admitted for purposes of family reunification must decline... So... it is not a policy that is designed to perpetuate a steady flow of immigrants into the host nation” (73-74).

Similarly, some of these six countries make it easier for legal immigrants to shake off their foreign status to become citizens, while others make it more burdensome. The naturalization policies of Australia, Canada and the United States, not surprisingly, are reasonably lenient (see Lynch and Simon 2002). The Canadian naturalization policy, for instance, states that applicants for naturalized citizenship must pay an application fee, be at least eighteen years of age, be a legal permanent resident, have lived in Canada for at least three out of the past four years from the day they apply, know either the English or French languages, not be charged or convicted of a crime, be familiar with the rights and responsibilities of Canadians and have some knowledge of Canadian history and geography (see Citizenship and Immigration Canada 2001).

The naturalization process in the Netherlands, meanwhile, is much more arduous. In addition to fee, residency (i.e., five years), age (i.e., eighteen and above), language (i.e., Dutch), knowledge, and lack of crime conviction requirements (which are all somewhat similar to the Canadian guidelines), the Netherlands naturalization process, besides being time consuming, also holds that applicants will be denied citizenship if they are a danger to the government or the environment of Holland (Dutch Consulate 2001). This last requirement is obviously a major difference between the Netherlands and the other countries discussed thus far. The exact meaning of what constitutes a “danger” to the government or the environment of Holland is not altogether clear. This rather vague requirement evidently grants much latitude to the naturalization office of the Netherlands.

In sum, although the data collected have some shortcomings, as a first exploration of the patterns of importation and exportation of foreign inmates, the data have revealed some challenging findings that deserve careful consideration, and certainly warrant further investigation. We next discuss our measures and results.

Measuring and Comparing Foreign-born Inmate Populations

Terminology. The first important distinction to be made is that between the *host* prison population and the *home* prison population. By host prison population we mean countries that house inmates who were born in a different country from the one in which they are currently incarcerated. By home prison population we mean the prison population of the inmate’s own country of birth. Thus, American-born inmates who are housed in U.S. prisons are part of the home population. Mexican-born inmates who are housed in U.S. prisons are part of the host prison population. Mexican-born inmates who are housed in Mexican prisons are part of the home prison population.

Ideally, it would be preferable to compare foreign-born inmate *rates* between host countries and home countries, using as the base the population of the respective country of birth group. However, the availability of data on foreign-born populations is extremely limited in the countries under study. In fact, even obtaining the number of inmates by country of birth has been a major undertaking. The majority of countries either do not collect such information, or if they do, do not make the information available to the public or researchers.

Results

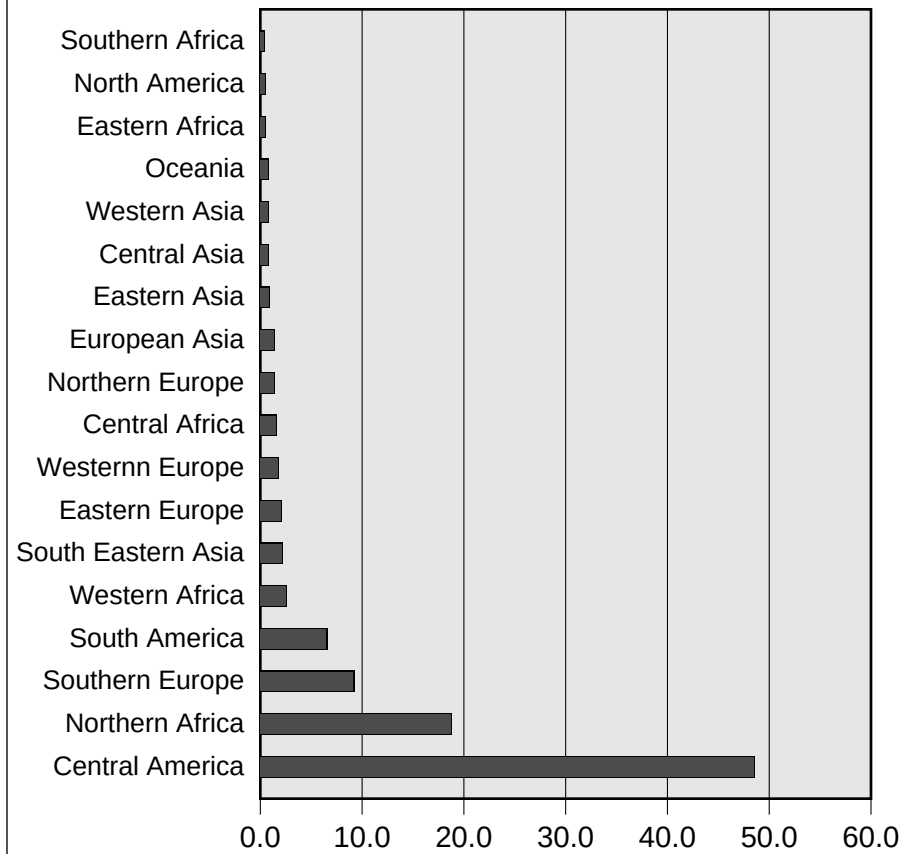
Eighty-eight percent of a possible 202 countries are represented in the foreign-born prison populations of the six countries reporting data on foreign-born inmates for this study. These are, of course, very incomplete data for the purpose of computing the numbers of foreign-born inmates throughout the world. One could reasonably expect that all countries of the world would be

represented in foreign-born prison populations if they all reported such information. Given the impossibility of computing rates, two ways of comparing the raw numbers have been adopted. The first has been to compute the total numbers of foreign-born inmates across each of the six host countries. We consider the grand total of these foreign-born inmates to represent a “sample” of foreign-born inmates of the world. As noted above, the six countries providing data for this study are countries that both have a long historical tradition of immigration into their countries, and represent most major world geographic regions. They provide a reasonable rough guide as to the housing of foreign-born inmates throughout the world. Table 1 displays these totals according to region of place of birth. Percentages of the total sample of foreign-born inmates can then be computed to show the comparative distribution of foreign-born inmates according to region of origin, as seen in Figure 1. We can see from Table 1 and Figure 1 that the main regions of the world from which foreign-born inmates originate are Central America and Northern Africa. These two regions account for 49 percent and 19 percent respectively of all foreign-born inmates held in prisons in the six countries for which we have data. They are followed at some distance by Southern Europe (9%) and South America (7%). Examining each region at a time, we obtain a better picture of the movement of foreign-born inmates from feeder countries to recipient countries (see below).

Table 1: Number of Foreign-born Inmates Reported in Six Countries (USA, Canada, Italy, Australia, Netherlands and France) by Region of Origin

Region	Number of inmates
Central America	103,526
Northern Africa	39,987
Southern Europe	19,419
South America	13,886
Western Africa	5,613
South Eastern Asia	4,706
Eastern Europe	4,410
Western Europe	3,661
Central Africa	3,513
Northern Europe	2,941
European Asia	2,838
Eastern Asia	1,921
Central Asia	1,662
Western Asia	1,598
Oceania	1,433
Eastern Africa	826
North America	780
Southern Africa	489

Figure 1: Foreign-born Prisoners by World Region in Five Countries (USA, Italy, Australia, Netherlands, and France) by Region of Origin (percent of total)



The percentages can also be computed to show the percentage of each individual host country's inmate population that is foreign, and from which country. This comparison is demonstrated in Table 2 and Figure 2. We can see there that the foreign-born inmate population in some countries, such as U.S.A., is only a tiny proportion of the country's home prison population, yet the U.S.A. accounts for a very high portion of the total of foreign-born inmates from our "world" sample. In contrast, Italy's home population is composed of more than half foreign-born, and it also accounts for a high proportion of inmates born in other regions. As we will note below, this applies particularly to those born in Albania, who account for a disproportionately high portion of the Italian prison population. In fact, it is possible to examine which countries are the main recipients of foreign-born inmate populations. These are summarized in Table 3.

Table 2: Proportions of Host Inmate Populations that are Foreign-born, and Their Origins

Host Country	Percentage of inmate population that is foreign born	Major regions of origin of foreign born	Top imports percent of total inmates	Number of Countries represented
USA	8	Central America	Mexico (5%), Cuba (1%), Unknown (2%)	170
Australia	16	Oceania, Europe, SE Asia	UK (5%), New Zealand (4%), Vietnam (3%)	9
Canada	5	Central and North America	Jamaica, USA, Vietnam	72
Netherlands	50	North Africa, East European Asia	Morocco (11%), Turkey (7%), Algeria (4%)	90
France	36	North Africa, East European Asia, Southern Europe	Algeria (9%), Morocco (7%), Tunisia (3%)	123
Italy	51	North Africa, Southern Europe	Morocco(11%), Yugoslavia (7%), Albania (6%), Tunisia (6%), Algeria (5%)	96

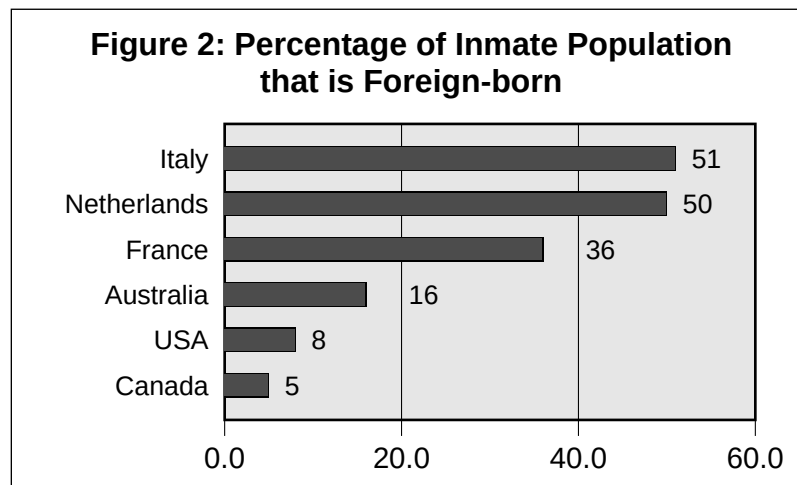


Table 3: Major Recipient Countries of Foreign-born Inmates

Region of Origin	Major Recipient Countries Percent of Regional Emigrants	
	Country	Percent
Central America	USA	99
Northern Africa	Italy	58
	France	34
	Italy	74
Southern Europe	France	12
	USA, Australia, Netherlands	13
	USA	70
South America	Italy	16
	Netherlands, France	13
	Italy	56
Western Africa	France	31
	USA, Netherlands	13
	USA	77
South Eastern Asia	Australia	12
	Italy	53
	France	22
Eastern Europe	USA	19
	Netherlands, Canada	6
	USA	60
Western Europe	Italy	17
	France	15
	Netherlands	7
Central Africa	USA	62
	France	34
	Australia	42
Northern Europe	USA	36
	France	13
	Netherlands, Canada	7
European Asia	France	40
	Netherlands	35
	USA	14
Eastern Asia	Italy, Australia, Canada	10
	USA	72
	Netherlands	10
Central Asia	France	8
	Italy	7
	USA	37
	Italy	30
	Netherlands	15
	France	13
	Canada	5

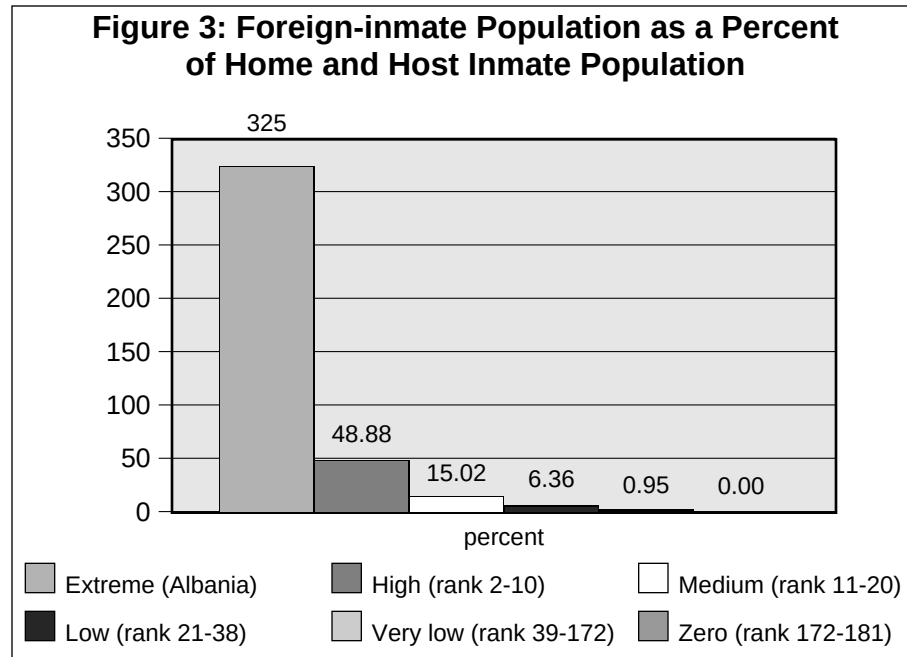
Table 3 Continued

Western Asia	USA	31
	Italy	27
	France	16
	Australia	16
	Netherlands	9
Oceania	Australia	59
	USA	38
Eastern Africa	France	39
	Italy	36
	Netherlands	15
	USA	10
North America	USA	68
	Canada	11
	Australia	7
	Netherlands, France, Italy	15
Southern Africa	France	64
	Italy	20
	USA, Netherlands	16

Countries as “Importers” and “Exporters” of Foreign-born Inmates

How are the recipient country proportions related to the prison populations of the countries from which the foreign-born originate? While, as noted, we do not have rates with which to compare, we can look at foreign inmate populations as a percentage of the inmate population from whence the foreign-born inmates in the six reporting countries come. These are summarized in Figure 3; it shows the foreign-born inmate populations in host countries expressed as a percentage of the whole inmate population of that particular country. For example, in the case of Albania, the number of prisoners in Albania itself (i.e., the home prison population) in 1997 was 1,077. However, the number of Albanian inmates in foreign countries (i.e., the host countries) was 3,509. Thus, Albania's inmate population abroad is over 3 times higher than its inmate population at home. In addition, Italy carries the burden of the Albanian prison population, with a total of 3,391 Albanian-born prisoners.

Looking at the highly ranked countries that “export” their inmate population to other countries, we see that there is a group of ten countries, Jamaica, Suriname, Tonga, Mexico, Dominica, Virgin Islands (U.S.), Haiti, Guyana, Guam (U.S.), Dominican Republic, close to half of whose inmate populations are in foreign prisons. This group is followed by a second, larger group of countries who export a smaller number of inmates. The countries comprising this group are: American Samoa (U.S.), El Salvador, Cuba, Morocco, Algeria, Tunisia, Liechtenstein, Senegal, Antigua and Barbuda, St. Lucia, Bahamas,



Cape Verde, Guernsey (U.K.), Barbados, Grenada, Colombia, Puerto Rico (U.S.), Trinidad and Tobago, Guatemala, New Zealand, and Western Samoa. The remaining countries have negligible numbers of inmates represented in foreign or host countries.

The home and host inmate populations have an interesting relationship. Some key factors contributing to high foreign-born inmate populations in a given country are both the proximity and number of immigrants in the host country. We see in Table 3, for example, that the U.S.A., being the closest geographically to Central America, is the major recipient of individuals who are born in that region. A closer look at movement from regions to particular host countries reveals the following:

From Central America: If we look at the individual countries, we see that Mexico exports its inmates to the U.S.A. In 1997, the inmate population of Mexico was 103,262. In that same year, there were over 50,000 Mexicans in U.S. prisons. Thus, if these inmates were housed in their own country, the number of inmates in Mexican prisons would increase by 50 percent. Major contributing nations to the U.S.A. foreign-born population were Cuba, Dominican Republic, Jamaica, El Salvador, Puerto Rico (U.S.), Haiti, Honduras, and Guatemala, followed in fewer numbers by most countries of Central America and the Caribbean.

From North America: The major contributor to the U.S.A. inmate population was Canada. Over 60 percent of foreign-born North Americans resided in

U.S. prisons, although the rest was mostly made up in even amounts across Australia, Netherlands, France, and Italy.

From South America: Over 70 percent of South American-born were housed in U.S. prisons. Major contributing countries were Peru, Guyana, Ecuador, Venezuela, Argentina, Brazil, and Chile.

Perhaps the most significant pattern of foreign-born inmate populations in terms of regions is the movement of populations from parts of the African Continent to European nations. If we take France, Italy and the Netherlands as representing West European nations, we see a clear pattern of high African-born representation in their inmate populations. Following from Table 3, these may be summarized, as follows:

From Central Africa: Thirty-four percent of Central African-born inmates were incarcerated in France. However, 62 percent of Central African inmates were also incarcerated in the U.S.A. The major African countries exporting criminality were Congo to the U.S.A. and the Democratic Republic of Congo to France.

From East Africa: France and Italy housed over 30 percent each of East African inmates. Somalia, Tanzania and Kenya were the main exporters to Italy, and Somalia, Madagascar and Mauritius were the main exporting countries to France.

From North Africa: The major recipients were Italy with over 50 percent of the North African inmates exported, and France receiving over 34 percent. The major exporting countries were Morocco, Algeria, and Tunisia to both countries.

From Southern Africa: The major recipients were France (64%) and Italy (20%), with France receiving the bulk of inmates from Angola, and Italy mainly from South Africa.

From Western Africa: The major recipients were again Italy (56%) and France (31%). For Italy the bulk of inmates were born in Nigeria, Senegal, Ghana, Ivory Coast and Mali. Major countries contributing to the French prison population were those listed for Italy, and in addition Cape Verde and Guinea.

From Central Asia: The major countries receiving inmates born in Central Asia are U.S.A. (37%), Italy (30%), Netherlands (15%) and France (13%). The major contributing countries were India, Iran, Pakistan and Afghanistan to the U.S. prison populations, and the same countries plus Iraq and Sri Lanka to Italy.

From Eastern Asia: The U.S.A. houses 72 percent of inmates born in Eastern Asia, inmates mainly come from China, the Republic of Korea, Japan, Hong Kong, and Taiwan.

From South East Asia: The U.S.A. and Australia, both Pacific nations, are recipients of the majority of South East Asian inmates, with 77 percent and 12 percent respectively. Major contributing nations were Vietnam (by far the largest contributor), Philippines, Laos, Cambodia, and Thailand. Vietnam, in fact, contributed a noticeable number of inmates to all countries surveyed.

From Western Asia: The U.S.A. (31%) and Italy (27%) were the main recipients of inmates born in Western Asia. The major feeder countries were Israel, Lebanon, Syria, and Jordan to the U.S.A., and the same countries except Lebanon to Italy.

From European Asia: France and the Netherlands accounted for over 70 percent of inmates from this area, with France receiving 40 percent and Netherlands 35 percent. The major contributing country of the region was Turkey.

From Eastern Europe: Italy, France, and the U.S.A. were the main recipients of inmates born in this region, with 53 percent, 22 percent, and 19 percent respectively. The major contributing countries were Rumania, Poland and Bulgaria to Italy, Rumania and Poland to France, and Poland, Hungary, Moldova and Rumania to the U.S.A.

From Northern Europe: We have mentioned two contributing factors to inmate foreign-born populations: the actual numbers of immigrants of the respective country, and the geographical proximity between the host and home country. Another factor clearly in play in regard to this region of the world as a source of foreign-born inmate population is historical proximity. The major recipients of inmates born in Northern Europe are the U.S.A. (36%) and Australia (42%). While the U.S.A. is comparatively close to Northern Europe, Australia is as far away as a country could be. The explanation must be tied to Australia's historical relationship with Europe, particularly its close relationship with the United Kingdom. The major contributing countries of Northern Europe to the foreign-born inmate populations in the U.S.A. and Australia were England and Wales, Ireland, and Scotland.

From Southern Europe: Italy was the major recipient of foreign-born inmates (excluding Italians of course) from this region, housing 74 percent of foreign-born inmates from this region, followed by France with 12 percent. The major contributing countries were Albania, Yugoslavia, and Croatia.

From Western Europe: The U.S.A. accounted for over 60 percent of the inmates born in Western Europe, followed at a distance by Italy and France with around 15 percent each. The main feeder countries were Germany, Netherlands and France.

From Oceania: Supporting the proximity hypothesis, the major receiving countries were Australia (59%) and the U.S.A. (38%). The major contributing countries were New Zealand to Australia and Guam to the U.S.A.

Overall trends suggest that most movements of foreign-born to other countries have been from region to region. Only in two instances has the movement been from or among countries within the region: these were Oceania, in which the major portion of foreign-born inmates in Australia were New Zealanders, and the portion of inmates in Italy from other countries of Southern Europe.

Are countries with high prison rates likely to export their "excess" criminality to other countries? Durkheim famously argued, after all, that crime is not only inevitable, but that it is also "a factor in public health, an integral part of all healthy societies... once this... surprise has been overcome, however, it is

not difficult to find reasons explaining this normality and at the same time conforming it" (1962: 67). In particular, Durkheim maintains that crime provides three benefits to society. Besides reinforcing the social solidarity of society, crime and punishment also educate members of society as to the moral boundaries of that society as well as allow for innovation and progress to occur. Durkheim cautions, however, that the normality of crime only exists "provided that it attains and does not exceed, for each social type, a certain level" (1962: 66). Applying Durkheim's paradigm to the global level, a society that has too much or too little crime would be abnormal and in need of correction.

We can give some rough answers to this question from the data presented so far. One might expect, for example, that the U.S.A., with one of the highest inmate populations in the world, would be a major exporter of its product to other countries. This prediction is not only based upon Durkheim's thesis, but is also consistent with simple economics: countries that are high producers of products are the higher exporters, and those that produce very low amounts of a particular product should be high importers. At the opposite end of the spectrum, Albania, being a very low producer of home prison population, should be a high importer of inmates. This is clearly not the case, as we have seen above. However, among the countries that are high importers, such as Italy, France, and Netherlands, we can see that the hypothesis is borne out: they have relatively low incarceration rates compared to the rest of the world, especially the western world, so they import a higher number of foreign-born inmates. An import export model consistent with Durkheim's thesis seems worthy of further investigation for the high import countries, even though overall, the model is not supported by the data. If we examine the home prison populations of countries and compare them to the foreign-born prison populations of the home country, there is no correlation between the two sets of data (Pearson $r = .03$). Examining the patterns of foreign-born in individual countries helps clarify the picture. We have, of course, strained the meaning of the terms "import" and "export" but they do serve the purpose of highlighting the considerable discrepancies in the real economic burdens shouldered by host countries, in contrast to feeder countries.

Discussion

Only tentative conclusions can be made given the very limited amount of data available. However, some of the findings are sufficiently clear as to warrant further in-depth study of this topic and the collection of more data. The following observations are reasonable conclusions from the data available:

1. Given the small number of countries reporting, it is intriguing that, if one includes the numbers of a country's citizens who are housed in foreign prisons as part of that original country's inmate population, only a small number of countries and regions account for a high proportion of that home country's

inmate population. The most striking example is Albania, where there are twice as many Albanian-born inmates residing in foreign prisons (and most of them in Italy) than there are in Albania itself. Similarly, close to half of Mexico's inmates are actually housed in North American prisons, mostly in the U.S.A. And one should add as far as the U.S.A. is concerned, this is a gross underestimate, since more than two-thirds of the United States (including California and Texas which both incarcerate large numbers of Mexican-born inmates) do not report inmate data by country of birth.

2. With the possible exception of Italy, foreign-born inmates tended to come from regions outside the region within which the host country was located, though in most cases from regions that were proximate. For example, Central America was a feeder for the U.S.A., North Africa for Southern and Western Europe, and Southern Europe for Western Europe. The only clear exceptions were Africa to the U.S.A., and Europe to Australia. Historical rather than geographical factors obviously play a part in this pattern.

3. The percentages of each home country's inmate populations that are foreign-born vary remarkably, as can be seen in Figure 2. Why is this? For the U.S.A. the simple answer is that the U.S. prison population is so high compared to the rest of the world that the number of foreign-born inmates is comparatively minuscule. Yet, we have seen that the portion of foreign-born inmates of the "world" of foreign-born inmates is accounted for to a substantial degree by the U.S.A. If we adopt the hypothesis that it is the size of the home prison population that affects the comparative portion of foreign-born prison population, we may look at the opposite end of the spectrum, that of Albania. This country has a very low home prison population, as we noted earlier. Yet, it exports a very high number of inmates to other countries, particularly Italy. Perhaps the reason for this is that the low prison population in Albania is a function of informal sanctions that occur in that country, particularly in regard to violent crimes which may often be dealt with through feuding subcultures and vendettas (Marongiu and Newman 1987). In other words, serious violent crime is not dealt with by the authorities, and since violent crime is usually the main crime for which the serious punishment of prison is used, we would expect Albania to have a low prison rate. We would also expect that the subcultural ethos of vendetta would be exported to other countries, and there result in more crime. Hence, the Albanians are found in higher proportions in foreign prisons.

Policy Implications

The high portions of foreign-born prisoners found in Italy, France, and the Netherlands, compared to Canada, Australia, and the U.S.A. raises a number of important issues. Since the subcultural explanation does not hold for at least France and the Netherlands, in terms of their having low prison populations, other explanations are required. On the surface, one is inclined to ask whether foreign-born populations are being selected at a higher rate than native popula-

tions. Is this a function of there simply being more persons of foreign birth in these countries than in other host countries? This is not likely, since the U.S.A. has a very high foreign-born population compared to France, Italy, and Netherlands. There appear to be only three explanations, all of which implicate a number of policy concerns.

1. *Convict Prone*: One possibility is that the foreign-born populations in these host countries are disposed for whatever reason to committing the kinds of crimes that get them sent to prison. Accepting the conclusion that foreign populations are “convict prone” (not unusual, since many visa or entry applications to countries require individuals to answer a question concerning their past criminal convictions), could very well lead to more restrictive immigration laws and policies. For instance, in a number of countries, extreme nationalists, and in some cases racists, have proposed to prohibit all immigration in order to prevent crime. The French writer Jean Raspail, in fact, wrote a highly controversial, characterized by many as racist, novel entitled *Camp of the Saints*, in the early 1970s. Raspail’s work takes the immigrant as criminal allegation one step further. Rather than just painting immigrants as garden-variety criminals, Raspail sketches a picture where immigrants are used as soldiers to overthrow destination governments from within. His book describes a situation where nations of the third world encourage many of their citizens to migrate to France in order overwhelm it. Raspail writes in the introduction to the 1985 French edition that: “*Camp of the Saints* is a novel that anticipates a situation which seems plausible today and foresees a threat that no longer seems unbelievable to anyone: it describes the peaceful invasion of France, and then of the West, by a third world burgeoned into multitudes” (xiii). Opponents of immigration frequently rely upon this book in formulating their arguments in favor of banning immigration.

Another related suggestion, expounded by some ultranationalists and racists, is a form of “national profiling.” This policy seeks to import immigrants from “good” countries (i.e., countries whose émigrés commit few crimes), while severely limiting, if not barring altogether, immigrants from “bad” countries who are characterized as unneeded criminals. The national and global ramifications of such a policy promise to be both dramatic and controversial as is evident in the debate on racial profiling which has recently convulsed the American political scene. Another proposal considers the role of subterfuge. At times countries have allowed entry to criminal immigrants under false pretenses, mistakenly assuming that they were law abiding. Once again, one way to confront this would be for countries to design and implement better screening and enforcement mechanisms at their national borders. To be most effective, such a policy would require the cooperation of both home and host countries.

Finally, if the conclusion is drawn that certain segments of the foreign-born population are crime prone, then it might be argued that home countries should be held responsible for their actions. Accordingly, home countries would be financially liable for the costs associated with the incarceration of their crimi-

nal émigrés in the host country. The consequences of such a policy could be quite important for both the home and host countries. Besides possibly disrupting foreign relations which were close or less than friendly, such a policy could significantly affect the financial condition of both the home and host countries. Assuming for the moment that home countries like Mexico or Albania would agree to pay the incarceration costs of their citizens being held abroad (in the United States and Italy respectively), their budgets for incarceration would double or triple. Conversely, such a policy would greatly benefit those host countries that house large percentages of foreign-born individuals in their prisons. In the case of Italy and the Netherlands, for example, such a policy would reduce expenditures devoted to incarceration by fifty percent.

2. *Social Conditions*: A second scenario concludes that elements of the social and political arrangements in the host country are conducive to immigrant crime. Immigrants, after all, not only often face steep challenges in their daily lives, but are frequently treated as standing outside mainstream society (see for example, Australian Department of Immigration and Multicultural Affairs 2001: 5; Encyclopedia Americana: Citizenship 2001; Lynch and Simon 2002). Sun and Reed (1995) explain that: "Migrant workers are likely to inhabit the worst housing in the poorest areas of inner cities... segmentation of the labor market in host countries impedes foreigner's upward mobility... That immigrants must struggle with many social maladies found in run down urban areas has furnished the perception that they rank high in crime and delinquency, and that this phenomenon is directly related to their status as immigrants" (233). Furthermore, immigrants are often accused of taking scarce jobs and housing away from more deserving native-born citizens, and may also endure racism and hate crimes. In many cases, the fact that one is foreign-born may be all that is necessary to engender hostile emotions in the native-born population. That an immigrant is a naturalized citizen may only increase the antipathy felt by many towards him or her. For some social movements and groups (especially right-wing ones), citizenship may be viewed as a matter of blood as opposed to the American concept of citizenship based on culture and values. From this perspective, naturalized citizens may be considered by many to be "inferior foreigners."

Thus, rather than viewing the host country as an unwitting victim of the crimes committed by the undesirables of other countries, this perspective draws the opposite conclusion. Law-abiding migrants are "transformed," in some host countries, into criminals due to the terrible conditions that they must endure. Furthermore, some observers have pointed to cases where deported migrant criminals have created criminal organizations and unleashed crimes which were heretofore unknown to the home country. Some Central American immigrants to the United States, for example, who were convicted of felonies, completed their sentences, and were repatriated to their native lands, have created criminal gangs that had never before existed in their home countries. For this reason, some contend that the host country should be held financially responsible for the damage caused to the home country. Following the argu-

ment raised in the “Crime Prone Section,” host countries would be required to assume the incarceration costs of these émigrés in the home countries. Once again, the same foreign policy and financial concerns would apply.

Another solution might be for host governments to eliminate the terrible conditions facing migrants. Social programs could be designed which enhanced opportunities for foreigners. More specifically, programs to increase the educational and job prospects available to foreigners could be devised. In addition, exposing the native-born population to a multicultural perspective, could lead to a decrease in antiforeign sentiment. Finally, crime preventive policies, such as those outlined by Clarke (2002), could also be developed.

3. *Official Practices:* A final related possibility is that there is bias operating in the host countries’ administrative, legal, or criminal justice systems. Such discrimination could either result in higher portions of persons originating from foreign countries being selected, processed and sent to prison by the criminal justice system, or create (and perhaps reinforce) the social conditions conducive to crime commission. Those countries in which foreign inmates account for nearly half their inmate populations would seem to have a lot to answer for. The very high rates of foreign-born incarceration raise questions. Clearly more research is needed to determine whether foreign-born populations commit crimes at such a high rate. The answer to this question brings with it serious policy implications. If discrimination within the criminal justice system is a factor, then policies to remove such practices are the obvious solution.

Besides possible systematic discrimination against foreigners in the criminal justice system, is the prospect that the wide variety of legal restrictions imposed upon foreigners by many host governments creates a cruel environment in which crime is more likely to flourish. As a result, some argue that much of the current “legal discrimination” directed against foreigners which reinforces their outsider status should be repealed. Such a solution would again have major consequences since currently there are a myriad of distinctions made by most governments between citizens and foreigners.

The hurdles faced by noncitizens are, perhaps, most vividly illustrated at international airports around the globe. Individuals who are not citizens of the destination country, and who lack the necessary entry papers, are usually denied entry and deported while all other individuals are admitted. Citizens of the destination country normally go to a special line for passport inspections, while tourists and noncitizens generally have to wait in a different, more time consuming line. The Australian office in charge of naturalization, in fact, clearly states on its web site that one benefit of Australian citizenship is that “you hold an Australian passport, which can make it easier to re-enter the country if you leave to travel overseas” (Australian Department of Immigration and Multicultural Affairs 2001: 5). The burdens placed on foreigners only increase upon their entry into the destination country.

In most countries around the world, tourists or legal immigrants whose visas expire may be subject to deportation. In the U.S.A. not only can illegal

aliens be deported, but, as we just noted, even legal immigrants, who are not citizens, may be deported if they commit a felony. In many countries, moreover, noncitizens are denied the right to vote, run for office, serve in that nation's armed forces, or work in certain public service occupations (see for example, Australian Department of Immigration and Multicultural Affairs 2001: 5). Perhaps more fundamentally, legal immigrants, unlike native-born citizens, are not automatically granted citizenship. Instead, legal immigrants must meet a number of clearly defined requirements before obtaining citizenship. For instance, in Germany, until recently, an individual who was born of Turkish parents in Germany was still legally classified as a foreigner.

In a number of countries, immigrants are subject to internal regulations that are not applicable to the native-born population. Lynch and Simon (2002) write that "In Germany... guest workers must apply for residence and work permits. These permits must be renewed upon change of employment or residence... These episodic checks give immigration authorities the chance to intrude into the lives of immigrants. Although the likelihood of interference may be small, there is the chance that the required permits may not be renewed and the foreign national will be required to leave. This uncertainty reinforces the perception that foreigners are outsiders" (75-76). While the United States does not have such internal procedures in place, it does have other regulations that at times severely hamper the lives of immigrants. During the Mariel Boat lift, the American government classified the Cuban émigrés as parolees which is a "temporary admission status granted to aliens who appear to be inadmissible" (Clark 1991: 5). Most of the arriving Cubans, after processing procedures, were released into the community. However, "the U.S. Immigration and Naturalization Service refused to admit approximately two-thousand Mariels, deeming them unfit due to mental illness or criminal records" (Clark 1991: 5). These Cuban detainees, although officially detained under civil law, were actually under preventive detention and many of them were ultimately "incarcerated for at least six years" (Clark 1991: 7) even though they had not been convicted of committing any crime on American soil. Clark explains that this policy received strong support from the American public. It would be hard to imagine a similar policy being successfully implemented against native-born Americans.

Many Western European countries, due to economic factors, imported foreign workers in the Post World War Two era. Sun and Reed (1995) describe the "harsh" restrictions placed upon these migrants. Switzerland, for instance, forbade these workers from switching occupations, bringing over family members, or staying long term in the country. All of this was done in an effort "to block permanent settlement" of these migrants in Switzerland (Sun and Reed 1995: 231). Similarly, a number of countries, have actually encouraged immigrants to leave their country. Both the Netherlands and France, for example, have in the past encouraged certain categories of immigrants, to leave the country and not return (see Lynch and Simon 2002; Reed and Sun 1995).

Distinctions are not only made between legal immigrants and citizens, at times even naturalized citizens are treated differently from native-born citizens. In the United States, for instance, a naturalized citizen is ineligible to be President or Vice President; only native-born citizens may hold these offices. In addition, in the United States naturalized citizens, unlike native citizens, may have their citizenship revoked for certain activities: "Naturalized citizens who subsequently are believed to have been members of allegedly subversive organizations sometimes have been charged with falsifying their original applications for citizenship; in these cases they have been subjected to possible revocation of citizenship and deportation. ... The purpose of these provisions is to deny U.S. citizenship to the Alien who does not transfer his permanent allegiance to the United States in good faith. In practice, however, they impose restrictions on the naturalized citizen that do not apply to the native-born" (Encyclopedia Americana: Citizenship 2001: 6).

Clearly the situations of migrants are very complex, and vary widely from country to country. The interrelationship between official and unofficial policies of governments with the daily circumstances of immigrants obviously needs much closer examination. Many countries already complain of the burden of unwanted immigrants knocking at their doors. These same countries also, however, benefit in significant ways from the exploitation of cheap immigrant labor. We have also seen that while some cast blame on home countries for dumping their criminals elsewhere, others castigate host countries for converting law-abiding migrants into criminals. The data of this study, as limited as they are, nevertheless add to the growing concern of all countries of the world regarding the effects of uncontrolled migration on host populations. For example, the spread of diseases, such as tuberculosis through migration, threatens to bring back nearly eradicated diseases. The present data suggest that criminality may spread in the same way, and like tuberculosis, its rise or fall in the host country will depend on the country's official and unofficial policies in dealing with immigrant populations.

NOTES

1. Contact information: Graeme Newman, School of Criminal Justice, Draper Hall, State University of New York at Albany, 135 Western Avenue, Albany, NY 12222. Phone: 518-442-5223. Email: harrowhest@aol.com

2. Contact information: Joshua D. Freilich, Room 520T, Department of Sociology, John Jay College of Criminal Justice, 899 10th Avenue, New York, NY 10019. Phone: 212-237-8668. Email: jfreilich@jjay.cuny.edu

3. Gregory J. Howard, Department of Sociology, Sangren Hall, Western Michigan University, Kalamazoo, MI 49008. Phone: 616-387-3595. Email: gregory.howard@wmich.edu

4. Wisconsin, Missouri, New Jersey, New York, North Carolina, Maine, Maryland, Kansas, Oklahoma, Georgia, Connecticut, Oregon, Nevada, New Mexico, Ohio, aliens only.

REFERENCES

- Australian Department of Immigration and Multicultural Affairs. 2001. *How to apply for Australian citizenship*. [Online]
<http://www.citizenship.gov.au/how.htm>. (Accessed September 10).
- Citizenship and Immigration Canada. 2001. *How to become a Canadian citizen*. [Online]
<http://www.cic.gc.ca/english/citizen/howto-e.html>. (Accessed September 10).
- Clark, D. 1991. *The Mariel Cuban problem*. Albany, NY: New York State Department of Correctional Services.
- Clarke, R.V. 2002. "Protecting immigrants from victimization: The scope for situational crime prevention." Pp. 103-120 in J.D. Freilich, G. Newman, S.G. Shoham, and M. Addad. (Eds). 2002. *Migration, culture conflict and crime*. Brookfield: Ashgate.
- Durkheim, E. 1962. (Eighth Edition). *The rules of sociological method*. Chicago: University of Chicago.
- Dutch Consulate. 2001. *Personal Correspondence*. September 10.
- Encyclopedia Americana. 2001. *Citizenship*. [Online]
<http://gi.grolier.com/presidents/ea/side/citizen/html>. (Accessed September 10).
- Freilich, J.D., G. Newman, S.G. Shoham, and M. Addad. (Eds). 2002. *Migration, culture conflict and crime*. Brookfield: Ashgate.
- Killian, C. 2002. "Bicultural competence: A means to crime reduction among the children of immigrants?" Pp. 121-130 in J.D. Freilich, G. Newman, S.G. Shoham, and M. Addad. (Eds). 2002. *Migration, culture conflict and crime*. Brookfield: Ashgate.
- Lynch, J.P., and R. Simon. 2002. "A comparative assessment of criminal involvement among nations and natives across seven nations." Pp. 69-88 in J.D. Freilich, G. Newman, S.G. Shoham, and M. Addad. (Eds). 2002. *Migration, culture conflict and crime*. Brookfield: Ashgate.
- Marongiu, P., and G. Newman. 1987. *Vengeance: The fight against injustice*. New Jersey: Littlefield Adams.
- Newman, G. (Ed). 1999. *Global report on crime and justice*. New York: Oxford University Press.
- Newman, G., and G.J. Howard. 1999. "Introduction: Data sources and their use." In G. Newman, (Ed). 1999. *Global report on crime and justice* (pp. 1-23). New York: Oxford University Press.
- Raspail, J. 1985. *The camp of the saints*. Petoskey, MI: The Social Contract Press.
- Sheu, C.J. 2002. "Confucianism as a control theory explanation of crime among overseas Chinese in southeast Asia." Pp. 297-322 in J.D. Freilich, G. Newman, S.G. Shoham, and M. Addad. (Eds). 2002. *Migration, culture conflict and crime*. Brookfield: Ashgate.
- Sun, H., and J. Reed. 1995. "Migration and crime in Europe." *Social Pathology*, 1(3): 228-248.
- Yeager, M.G. 1996. *Immigrants and criminality: A meta survey*. Ottawa, Canada: Ministry of Citizenship and Immigration, Government of Canada.